

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

CrI.MC.No. 1123 of 2015 ()

CRIME NO. 937/2014 OF SHORNUR POLICE STATION , PALAKKAD DISTRICT

PETITIONER/ACCUSED:

**KRISHNAKUMAR, AGED 40 YEARS
S/O.SETHUMADHAVAN, PUTHENVEETIL HOUSE, KULAPULLY
SHORNUR-679122, OTTAPALAM TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. UDAYAKUMAR, AGED 47 YEARS
S/O.ACHUTHAN NAIR, KORADATH HOUSE
KULAPULLY AMSOM DESOM, SHORNUR-679122, OTTAPALAM TALUK
PALAKKAD DISTRICT.**
- 3. SWAPNA, AGED 21 YEARS
D/O.UDAYAKUMAR, KORADATH HOUSE, KULAPULLY AMSOM DESOM
SHORNUR-679122, OTTAPALAM TALUK, PALAKKAD DISTRICT.**

**R2,R3 BY ADV. SRI.T.K.BABU
R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1123 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A1: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.937 OF 2014, SHORNUR POLICE STATION, PALAKKAD DISTRICT.**

**ANNEXURE-A2: AFFIDAVIT DATED 9.2.2015 SWORN BY THE 2ND RESPONDENT/
DEFACTO COMPLAINANT.**

**ANNEXURE-A3: AFFIDAVIT DATED 9.2.2015 SWORN BY THE 3RD RESPONDENT/
DEFACTO COMPLAINANT.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1123 of 2015

Dated this the 24th day of February, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.937 of 2014 of the Shornur Police Station, registered under Sections 406, 419, 420, 427 and 509 IPC on the complaint of one Udayakumar. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Udayakumar is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint. The other victim of offence, who is the 3rd respondent in this proceeding, has also filed affidavit to the effect that she has settled the dispute with the accused and she has no grievance or complaint now.

In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash prosecution; be it at the crime stage or at the

trial stage, or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.937 of 2014 of the Shornur Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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